

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE**

In re:

FTX TRADING LTD., *et al.*,  
Debtors.

Chapter 11

Case No. 22-11068 (JTD)  
(Jointly Administered)

**Hearing Date: May 15, 2024, at 1:00 pm (ET)  
Objection Deadline: April 19, 2024 at 4:00 pm (ET)**

RE: D.I. D.I. 11056

**MOTION TO FILE EXHIBIT A TO MOTION TO VACATE THE ORDER GRANTING  
FTX DEBTORS' MOTION TO ESTIMATE CLAIMS BASED ON DIGITAL ASSETS  
WITH RESPECT TO NUGENESIS OU AND NUGENESIS PTY LTD UNDER SEAL**

NuGenesis Ou and NuGenesis PTY Ltd. (collectively, “NuGen”) moves (“Motion”) this Honorable Court for an Order, pursuant to section 107(c)(1) of title 11 of the United States Code (“Bankruptcy Code”), Rule 9018 of the Federal Rules of Bankruptcy Procedure (“Bankruptcy Rules”), and Rule 9018-1 of the Local Rules of Bankruptcy Practice and Procedure of the United States Bankruptcy Court for the District of Delaware (“Local Rules”), authorizing it to file Exhibit A to the *Motion to Vacate The Order Granting FTX Debtors' Motion to Estimate Claims Based on Digital Assets With Respect to Nugenesis Ou and Nugenesis PTY Ltd*, filed on April 3, 2024 at Docket No.11056 (the “Exhibit A”) under seal. In support of the Motion, NuGen respectfully states as follows:

**JURISDICTION AND VENUE**

1. This Court has jurisdiction to consider the motion under 28 U.S.C. §§ 157 and 1334. Venue is proper in this District pursuant to 28 U.S.C. §§ 1408 and 1409.
2. This matter is a core proceeding pursuant to 28 U.S.C § 157(b)(2). The bases for relief requested herein are section 107(c) of the Bankruptcy Code, Bankruptcy Rule 9018, and Local Rule 9018-1(d).

## **BACKGROUND**

3. On November 11 and 14, 2022, (the “Petition Date”), the above-captioned debtors (the “Debtors”) filed voluntary petitions for relief under Chapter 11 of Title 11 of the United States Code (the “Bankruptcy Code”).

4. On December 27, 2023, the Debtors’ filed the *Motion of the Debtors to Estimate Claims Based on Digital Assets* (the “Estimation Motion”) which sought, among other things, estimation of NuGen’s claims to \$0.00.

5. On January 1, 2024, a letter objection to the Estimation Motion, signed by the Founder and CEO Hussein Faraj of NuGen (the “NuGen Objection”), was mailed to the Court by NuGen, which was received by the Court on January 5, 2024, date stamped and entered on the docket at D.I. 5420.

6. On February 7, 2024, the Court entered an order approving the Estimation Motion (the “Estimation Order”).

7. On April 3, 2024, NuGen filed its *Motion to Vacate The Order Granting FTX Debtors’ Motion to Estimate Claims Based on Digital Assets With Respect to Nugenesis Ou and Nugenesis PTY Ltd* (the “Motion to Vacate”).

## **RELIEF REQUESTED**

8. Through this Motion, NuGen respectfully requests the entry of an order authorizing it to file Exhibit A to the Motion to Vacate under seal pursuant to Bankruptcy Rule 9018 and Local Rule 9018-1(b).

**BASIS FOR RELIEF REQUESTED**

9. Section 107(c)(1) of the Bankruptcy Code provides bankruptcy courts with the power to issue orders that will protect entities from potential harm that may result from the disclosure of certain confidential information. This section provides, in relevant part:

The bankruptcy court, for cause, may protect an individual, with respect to the following types of information to the extent the court finds that disclosure of such information would create undue risk of identity theft or other unlawful injury to the individual or the individual's property:

(A) Any means of identification (as defined in section 1028(d) of title 18) contained in a paper filed, or to be filed, in a case under this title.

(B) Other information contained in a paper described in subparagraph (A).

11 U.S.C. § 107(c)(1).

10. Bankruptcy Rule 9018 sets forth the procedures by which a party may move for relief under section 107(c), providing that “[o]n motion or its own initiative, with or without notice, the court may make any order which justice requires (1) to protect the estate or any entity in respect of a trade secret or other confidential research, development, or commercial, information, (2) to protect any entity against scandalous or defamatory matter contained in any paper filed in a case under the Code” Fed R. Bankr. P 9018. Local Rule 9018-1(d) additionally provides, in relevant part, that “[a]ny entity seeking to file a document . . . under seal must file a motion requesting such relief . . .” Del Bankr. L.R. 9018-1(d).

11. Exhibit A contains a means of identification for the Debtors' creditor contacts. NuGen submits that the information contained in Exhibit A constitutes sensitive information, and NuGen seeks authority to file Exhibit A under seal.

**NOTICE**

12. Notice of the Motion will be given to (a) counsel to the Debtors (b) the United States Trustee for the District of Delaware; (c) counsel to the Official Committee of Unsecured Creditors and (d) any party receiving electronic notice in these cases pursuant to Bankruptcy Rule 2002. NuGen submits that, in light of the nature of the relief requested, no other or further notice need be given.

**CERTIFICATION OF COUNSEL PURSUANT TO L.R. 9018-1**

Counsel for NuGen has attempted to confer with counsel for the Debtors but has not received a response concerning filing Exhibit A under seal.

**CONCLUSION**

WHEREFORE, NuGen respectfully requests that the Court enter an order substantially in the form attached hereto, (i) granting the Motion, (ii) authorizing NuGen to file Exhibit A under seal, and (iii) granting such further relief to NuGen as the Court finds appropriate.

Dated: April 5, 2024  
Wilmington, Delaware

**GELLERT SCALI BUSENKELL &  
BROWN LLC**

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